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To: All DCS Child Welfare Staff

From: James W. Payne, Director

Subject: New State Legislation Regarding Release of Social Security Numbers
(DCS 05-07)

Please be advised that as of June 30, 2006, new state legislation, IC 4-1-10 entitled Release of Social Security number, became effective. With specified exceptions, a state agency may not disclose an individual's Social Security number. For purposes of this legislation, "state agency" does not include the judicial or legislative departments of government.

Penalty levels for violation of this legislation are established as follows:

- Any state employee who knowingly, intentionally, or recklessly discloses a Social Security number commits a Class D felony which is punishable by up to one (1) year in jail.
- Any person who knowingly, intentionally, or recklessly makes a false presentation to a state agency to obtain a Social Security number from the agency commits a Class D felony which is punishable by up to one (1) year in jail.
- Any employee of a state agency who negligently discloses a Social Security number commits a Class A infraction which is punishable by the levying of a fine.

NOTE: A state agency is in compliance with this statute if the agency removes or permanently obscures a Social Security number on a public record prior to disclosing the record. Also, disclosure of the last four (4) digits of a person's Social Security number is not considered a disclosure of the Social Security number under this statute.



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The statute establishes exceptions to nondisclosure of a Social Security number. Unless otherwise prohibited by state or federal law or court order, state agencies are permitted to release Social Security numbers under the following circumstances:

- A state agency may disclose the Social Security number of an individual to a state, local, or federal agency.
- A state law enforcement agency may, for purposes of furthering an investigation, disclose the Social Security number of an individual to any individual, state, local, or federal agency, or other legal entity.

A state agency may also disclose a person's Social Security number if any of the following circumstances applies:

- The disclosure is expressly required by law or court order.
- The person provides written consent to the disclosure.
- The disclosure is made:
 - (1) to comply with federal law associated with the Patriot Act.
 - (2) to a commercial entity for permissible uses set forth in other federal law.
 - (3) for the purpose of administration of the health benefits of a state employee or the employee's dependents.

Attached please find a draft of a consent form that will need to be completed by a parent, or legal guardian, for purposes of authorizing the release of the Social Security number for that person and for that person's minor child(ren). In cases in which parental rights have been terminated, the family case manager may complete the form. If the parent or legal guardian refuses to sign the consent, authorization for the release must be obtained from the Court, or the Court may order the parent or legal guardian to sign the consent. The signed release is valid for two years from the date it was signed. If the form is needed beyond that point, another will have to be signed. When processed as an official state form, the release will be available in ICWIS as well as in the All Agency and DSC online forms catalogs.

In view of the preceding, all DCS staff must take immediate steps to comply with the requirements of this statute. As usual, we appreciate your full cooperation in accomplishing this task. Please direct any questions you have to the DCS policy mailbox.



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